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09/915,894	07/25/2001	Sachin G. Deshpande	SLA1074	9084

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KRIEGER INTELLECTUAL PROPERTY, INC.
PO Box 872438
Vancouver, WA 98687-2438

EXAMINER	
OSMAN, RAMY M	
ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/915,894	DESHPANDE ET AL.	
	Examiner	Art Unit	
	RAMY M. OSMAN	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6,8-13,15-18,21,24 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6,8-13,15-18,21,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is responsive to amendment filed on June 3, 2008. No claims were amended or added. Claims 1,2,4,6,8-13,15-18,21,24,25 are pending.

Response to Arguments

2. Applicant's arguments filed 6/3/2008 have been fully considered but are not persuasive.

3. Applicant argues that paragraphs 7 and 8 in the background section of the specification are not prior art.

In reply, Examiner is under the assumption that "*statements in the background may be assumed to be prior art*" (as mentioned in pgs 9-10 of Applicants remarks). This assumption prompted the 103 obviousness rejection over AAPA.

Firstly, Applicant states that paragraphs 7 and 8 were "*inadvertently included in the background of the present application*". Applicants are reminded that Applicants submitted a signed declaration on 7/25/2001 in which Applicants identified the instant application and stated that they have reviewed and understand the full contents of the specification. This of course includes the Background section and thus indicates that Applicants were well aware of the information that was included in the Background, and were aware that because this information is in the Background then it can be assumed to be prior art.

Secondly, Applicant then states that statements within paragraphs 7 and 8 were taken from the disclosure section of parent Application No 09/709,985, and thus are regarded as Applicants own work. Applicants are reminded that JPEG 2000 is an industry standard with a

well documented specification, so even if Examiner were to regard paragraphs 7 and 8 as not part of the Background, any content within these paragraphs that are part of the standard are still considered as prior art and are not Applicants own work. This is evidenced by the submitted IDS Non-Patent Literature titled "JPEG 2000 Part I Final Committee Draft Version 1.0" by Boliek et al (dated 3/16/2000). In at least sections A.3, A.4, A.7 and B.10, Boliek discloses the JPEG 2000 codestream structure exactly as it is mentioned in paragraphs 7 and 8 of the instant Application.

Drawings

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

REJECTION over Gormish et al

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1,2,4,6,8,9,12,15-18,21,24,25 rejected under 35 U.S.C. 103(a) as being unpatentable over Gormish et al ("JPEG 2000: Overview" September 2000) in view of AAPA (Applicant Admitted Prior Art, Background of instant Patent Application Publication 2002/0059458).

7. In reference to claims 1,13,21, Gormish respectively teaches a method for image transmission, a method for interactive image transmission, and an image server for image transmission, all comprising:

hosting an image file corresponding to an image on a server, wherein said image file comprises data bytes organized to enable image characteristic scalability (page 3 section 4.1, on line 2 Gormish discloses a web page with a JPEG 2000 image);

transmitting to a client a first set of said data bytes using HTTP, wherein said first set of said data bytes form a representation of said image (page 3 section 4.1, on line 3 Gormish discloses initially displaying low resolution image to a user);

receiving an HTTP request at said server wherein said HTTP request comprises a selection of a customization of said image based on said representation of said image (page 3 section 4.1, on line 4 Gormish discloses user wishing (i.e. requesting) to see more detail);

retrieving, from said image file on said server, at least one portion of said data bytes, wherein said at least one portion of said data bytes may be combined with said first set of said data bytes to form said customization, and wherein said at least one portion of said data bytes is identified by parsing (page 3 section 4.1, on lines 5-7 Gormish discloses the server parsing the

image for additional data relating to the selected region and the server sending that additional data to the user); and

transmitting said at least one portion of data bytes to said client using HTTP (page 3 section 4.1, on lines 5-7 Gormish discloses providing (i.e. transmitting) only the additional data);

wherein said at least one portion of said data bytes does not comprise said first set of said data bytes (page 3 section 4.1, on lines 5-7 Gormish discloses that its called "additional data" (i.e. not part of the first set)).

Although Gormish does not explicitly teach the HTTP protocol, Gormish does disclose that a server can host "typical" web pages that contain images that utilize the JPEG 2000 features, where the web pages are accessed by users (page 3 section 4 and 4.1). "Official Notice" is taken that when users access a "typical" web page, the mode of communication is HTTP. HTTP is old and well known in the art of hosting web pages on Internet servers, where the web pages are available for download to client computers. It would have been obvious for one of ordinary skill in the art to modify Gormish by enabling the servers to utilize the HTTP protocol, which is old and well known in the art, for the purpose of utilizing a universally accepted form of web page transmission to client computers.

Gormish fails to explicitly teach where the parsing is parsing parts of a main header and at least one of a tile-part header and a packet header in said image file to determine said at least one portion of said data bytes. However, AAPA discloses that JPEG 2000 image packets are made up of a main header, a tile-part headers and a packet headers (AAPA, ¶ 7 lines 1-5 and ¶ 8 lines 1-5). AAPA discloses that the header information can be used to identify particular components of the image (AAPA, ¶ 8 lines 7-10). The header components are indexing and used

for facilitating the retrieval of a particular portion of the image (AAPA, ¶ 8 lines 13-14). It would have been obvious for one of ordinary skill in the art to modify Gormish where the parsing is parsing parts of a JPEG 2000 main header and at least one of a tile-part header and a packet header in said image file to determine said at least one portion of said data bytes for the purpose of facilitating the retrieval of a particular portion of the image as requested by a user.

8. In reference to claim 2, Gormish teaches the method of claim 1 wherein said representation of said image is a low-resolution version of said image. (page 3 section 4.1, on line 3 Gormish discloses a low resolution image)

9. In reference to claim 4, Gormish teaches the method of claim 1, wherein said customization selection comprises a selection from the group consisting of quality customization, scalability customization, resolution customization and region-of-interest (ROI) customization (page 3 section 4.1 and figure 2, Gormish discloses selecting from choices of resolution, color components, spatial region, and quality).

10. In reference to claims 6 and 18, Gormish teaches the method of claims 1 and 13 respectively, wherein said image file is a JPEG 2000 file (page 3 section 4, ¶ 1).

11. In reference to claim 8, Gormish teaches the method of claim 1 wherein said customization selection comprises an image resolution below the maximum resolution available for said image. (page 3 section 4.1, on line 3 Gormish discloses a low resolution image)

12. In reference to claim 9, Gormish teaches the method of claim 1 wherein said transmitting said additional set of data bytes comprises streaming said additional set of data bytes of said image file to said client (page 3 section 4.1, on lines 5-7 Gormish discloses providing (i.e. transmitting) only the additional data).

13. In reference to claim 12, Gormish teaches the method of claim 1 wherein said client caches data received from said server. (page 3 section 4.1, it is inherent that the client would store the data received form the server).

14. In reference to claim 15, Gormish teaches the method of claim 13 wherein said customization selection comprises an image resolution below the maximum resolution available for said image. (page 3 section 4.1 and figure 2, Gormish discloses choice of resolution)

15. In reference to claim 16, Gormish teaches the method of claim 13 wherein said customization selection comprises quality scalability (page 3 section 4.1 and figure 2, Gormish discloses choice of spatial region)

16. In reference to claim 17, Gormish teaches the method of claim 13 wherein said customization selection comprises a selected region of interest on said image (page 3 section 4.1 and figure 2, Gormish discloses choice of spatial region)

17. In reference to claim 24, this is a method claim that corresponds to the above claim 1. It is therefore rejected based upon the same rationale as given for claim 1 above.

18. In reference to claim 25, Gormish teaches the method of claim 24 wherein said receiving a request comprises receiving at least one of an HTTP Post and an HTTP Get request. (page 3 section 4.1, HTTP Post and HTTP Get requests are inherent in HTTP web browsing, see rationale for claim 1).

19. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Gormish et al ("JPEG 2000: Overview" September 2000) in view of Li, C et al (US Patent No 6,345,279).

20. In reference to claim 10, Gormish teaches the method of claim 1. Gormish fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Gormish by making the size of said representative part is relative to the bandwidth of the connection between said server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

21. In reference to claim 11, Gormish teaches the method of claim 1, wherein said first set of Data bytes comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data (page 3 section 4.1 and figure 2, on line 4 Gormish discloses selecting from choices of resolution, color components, spatial region, and quality). Gormish fails to explicitly teach metadata. However, Li teaches multimedia data items with representations containing metadata for multimedia customization to be delivered to a client (column 1 lines 15-35 and column 5 lines 3-5 & 23-47).

It would have been obvious for one of ordinary skill in the art to modify Gormish by making the representative part comprise metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data as per the teachings of Li for multimedia customization to be delivered to a client.

REJECTION over Sivan et al

Claim Rejections - 35 USC § 103

22. The text of the relevant sections of Title 35, U.S. Code 103 is cited above.

23. Claims 1,2,8,9,12,15-18,21,24 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of AAPA (Applicant Admitted Prior Art, Background of instant Patent Application Publication 2002/0059458).

24. In reference to claims 1,13,21, Sivan respectively teaches a method for image transmission, a method for interactive image transmission, and an image server for image transmission, all comprising:

hosting an image file corresponding to an image on a server, wherein said image file comprises data bytes organized to enable image characteristic scalability (column 4 lines 21-23, Sivan discloses a high resolution graphic file on a server);

transmitting to a client a first set of said data bytes using HTTP, wherein said first set of said data bytes form a representation of said image (column 4 lines 28-30 & 33-35, Sivan discloses transmitting a low resolution file to a client where the low resolution file is a low resolution representation of the high resolution file);

receiving an HTTP request at said server wherein said HTTP request comprises a selection of a customization of said image based on said representation of said image (column 4 lines 41-43 & 60-65 and column 8 lines 49 & 60-63, Sivan discloses a client selecting zooming (i.e. customization) of the low resolution image and sending a calculated zoom size to the server. The client and server communicate via HTTP);

retrieving, from said image file on said server, at least one portion of said data bytes, wherein said at least one portion of said data bytes may be combined with said first set of said data bytes to form said customization, and wherein said at least one portion of said data bytes is identified by parsing (column 6 lines 45-48, Sivan discloses downloading a selected portion of high resolution image (i.e. portion of data bytes) and overlaying it (i.e. combining) onto the low resolution image, thus forming the zoomed image (i.e. customization)); and

transmitting said at least one portion of data bytes to said client using HTTP (column 6 lines 45-48 and column 8 lines 49 & 60-63, Sivan discloses a server transmits portion of high resolution image to client using HTTP connection);

wherein said at least one portion of said data bytes does not comprise said first set of said data bytes (column 8 lines 17-20, Sivan discloses a server sends a high resolution image that is a difference image to the client. This means that the high resolution image does not comprise anything of the low resolution image).

Sivan fails to explicitly teach where the parsing is parsing parts of a main header and at least one of a tile-part header and a packet header in said image file to determine said at least one portion of said data bytes. However, AAPA discloses that JPEG 2000 image packets are made up of a main header, a tile-part headers and a packet headers (AAPA, ¶ 7 lines 1-5 and ¶ 8 lines 1-5). AAPA discloses that the header information can be used to identify particular components of the image (AAPA, ¶ 8 lines 7-10). The header components are indexing and used for facilitating the retrieval of a particular portion of the image (AAPA, ¶ 8 lines 13-14). It would have been obvious for one of ordinary skill in the art to modify Sivan where the parsing is parsing parts of a JPEG 2000 main header and at least one of a tile-part header and a packet

header in said image file to determine said at least one portion of said data bytes for the purpose of facilitating the retrieval of a particular portion of the image as requested by a user.

25. In reference to claim 2, Sivan teaches the method of claim 1 wherein said representative part of said image file is a low-resolution version of said image. (column 4 lines 28-30 & 33-35)

26. In reference to claim 8, Sivan teaches the method of claim 1 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 4 lines 41-46)

27. In reference to claim 9, Sivan teaches the method of claim 1 wherein said transmitting said additional parts of said image file comprises streaming said additional parts of said image file to said client (column 6 lines 45-48 and column 8 lines 49 & 60-63).

28. In reference to claim 12, Sivan teaches the method of claim 1 wherein said client caches data received from said server. (column 4 lines 33-37, It is inherent that the client would store the data received form the server).

29. In reference to claim 15, Sivan teaches the method of claim 13 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 4 lines 41-46)

30. In reference to claim 16, Sivan teaches the method of claim 13 wherein said selecting a customized version of said image comprises selecting quality scalability (column 4 lines 40-44)

31. In reference to claim 17, Sivan teaches the method of claim 13 wherein said customization selection comprises a selected region of interest on said image (column 4 lines 40-44)

32. In reference to claim 24, this is a method claim that corresponds to the above claim 1. It is therefore rejected based upon the same rationale as given for claim 1 above.

33. In reference to claim 25, Sivan teaches the method of claim 24 wherein said transmitting uses an HTTP transmission protocol. (column 8 lines 49 & 60-63).

34. Claims 4,6 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Gormish et al ("JPEG 2000: Overview" September 2000).

35. In reference to claim 4, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said selecting a customization comprises selecting data from the group consisting of quality data, scalability data, resolution data and region-of-interest (ROI) data. However, Gormish teaches streaming JPEG 2000 image files over a network, where a user may select data within the image among choices like resolution, color components, spatial region, and quality. This is for the purpose of allowing a user to select a particular type of desired customization for that image (page 3 section 4.1 and figure 2). It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Gormish for the purpose of customized image viewing over a network.

36. In reference to claims 6 and 18, Sivan respectively teaches the method of claims 1 and 13 respectively. Although Sivan does teach JPEG image files (Sivan column 4 lines 33-35), Sivan fails to explicitly teach wherein said image file is a JPEG 2000 file. However Gormish teaches JPEG 2000 images. (page 3 section 4.1 and figure 2). See rationale for claim 4 above.

37. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, C et al (US Patent No 6,345,279).

38. In reference to claim 10, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the size of said representative part is relative to the bandwidth of the connection between said server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

39. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Gormish et al ("JPEG 2000: Overview" September 2000) in further view of Li et al (US Patent No 6,345,279).

40. In reference to claim 11, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said representative part comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data. Gormish teaches streaming JPEG 2000 image files over a network, where a user may select data within the image among choices like resolution, color components, spatial region, and quality. This is for the purpose of allowing a user to select a particular type of desired customization for that image (page 3 section 4.1 and figure 2). Furthermore, Li teaches multimedia data items with

representations containing metadata for multimedia customization to be delivered to a client (column 1 lines 15-35 and column 5 lines 3-5 & 23-47).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the representative part comprise metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data as per the teachings of Gormish and Li for multimedia customization to be delivered to a client.

Conclusion

41. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/ September 14, 2008
Examiner, Art Unit 2157